

Via FedEx Standard Overnight

April 6, 2016

NC Department of Environmental Quality
Division of Waste Management
Brownfields Program
1646 Mail Service Center
Raleigh, NC 27699-1646

Attn: Ms. Shirley Liggins

Re: Brownfields Property Application
for the Flywheel Group, LLC
Former Kaiser Fluids Technologies Site
530 E. Sugar Creek Road
Charlotte, North Carolina
H&H Project No. AMK-006



Dear Ms. Liggins:

On behalf of the Flywheel Group, LLC, enclosed please find the Brownfields Property Application package for the above referenced site located in Charlotte, NC. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Hart & Hickman, PC

A handwritten signature in black ink, appearing to read "Matt Ingalls".

Matt Ingalls
Project Manager

MJI/bb

Enclosures

Brownfields Property Application for Flywheel Group, LLC

Former Kaiser Fluid Technologies Site
530 E. Sugar Creek Road
Charlotte, North Carolina

H&H Job No. AMK-006
April 6, 2016



SMARTER ENVIRONMENTAL SOLUTIONS

Brownfields Property Application
North Carolina Brownfields Program
www.ncbrownfields.org

I. PROSPECTIVE DEVELOPER (PD) INFORMATION {USE TAB KEY TO GET TO NEXT DATA ENTRY LINE – DO NOT USE THE RETURN KEY}

A. PD information:

Entity name	Flywheel Group, LLC (Flywheel)
Principal Officer	Anthony (Tony) M. Kuhn (Flywheel)
Representative	Tony Kuhn
Mailing Address	427 Shasta Lane, Charlotte, NC 28211
E-mail address	tony.kuhn15@gmail.com
Phone No.	901.219.3987
Fax No.	NA
Web site	www.flywheelgrp.com

B. PD contact person information (i.e., individual who will serve as the NCBP's point of contact if different than above):

Name	Matt Ingalls
Company	Hart & Hickman, PC
Mailing Address	2123 S. Tryon Street #100 Charlotte, NC 28203
E-Mail Address	mingalls@harthickman.com
Phone No.	704.887.4617
Fax No.	704.586.0373

C. Information regarding all parent companies, subsidiaries or other affiliates of PD (attach separate sheet(s) if necessary):

(Use for LLCs)

Member-managed or manager-managed? **Answer:** Manager-Managed

If manager-managed, provide name of manager and percent of ownership:

Name	Flywheel Group, LLC c/o Tony Kuhn
Ownership (%)	100%
Mailing Address	427 Shasta Lane, Charlotte, NC 28211
E-Mail Address	tony.kuhn15@gmail.com
Phone No.	704.887.4617
Fax No.	704.586.0373

For all LLCs, list all members of the LLC and provide their percent of ownership:

Name
Ownership (%)
Mailing Address

E-Mail Address
Phone No.
Fax No.

Name
Ownership (%)
Mailing Address

E-Mail Address
Phone No.
Fax No.

Name
Ownership (%)
Mailing Address

E-Mail Address
Phone No.
Fax No.

Managers of manager-managed LLCs are required to execute all brownfield documents for the LLC; as to member-managed LLCs, state name of member who will sign these documents.

Tony Kuhn (contact info above)

List all parent companies, subsidiaries and other affiliates:

There are no parent companies or subsidiaries. Flywheel will be leasee of the property.

(Use for Partnerships)

Check one: ☐ General Partnership ☐ Limited Partnership

List all partners and percent of ownership:

Name

Ownership (%)

Mailing Address

E-Mail Address

Phone No.

Fax No.

Is this person a general or limited partner?

Name

Ownership (%)

Mailing Address

E-Mail Address

Phone No.

Fax No.

Is this person a general or limited partner?

List all parent companies, subsidiaries and other affiliates:

(Use for corporations other than LLCs)

(If information is the same as shown in 1.A., please indicate "same as 1.A." below.)

Name

Mailing Address

E-Mail Address

Phone No.

Fax No.

List all parent companies, subsidiaries and other affiliates:

(Use for individuals)

(If individual is the same as shown in 1.A., -please indicate "same as 1.A." above.)

Name

Mailing Address

E-Mail Address

Phone No.

Fax No.

- D. Does PD have or can it obtain the financial means to fully implement a brownfields agreement and assure the safe reuse of the property? *(Attach supporting documentation such as letters of credit, financial statements, etc.)*

Answer Yes

Explanation Flywheel Group LLC (Flywheel) is the prospective developer (PD) and is applying for the Brownfields Agreement prior to purchase on the under utilized industrial property located at 530 E. Sugar Creek Road in Charlotte, Mecklenburg County, North Carolina . Flywheel is financially sound and has the ability to fully implement a Brownfields Agreement.

- E. Does PD have or can it obtain the managerial means to fully implement a brownfields agreement and assure the safe use of the property?

Answer Yes

Explanation Flywheel has a strong background in managing and financing real estate development and construction projects. In addition, Flywheel has retained the services of Hart & Hickman, PC (H&H) who is experienced in Brownfields redevelopment and implementation of Brownfields requirements. Collectively, Flywheel and H&H have significant experience with redevelopment of challenged properties, and we are aware of the requirements and restrictions that are typically included in the Brownfields Agreement to ensure successful implementation of a Brownfields Agreement and safe use of the property.

- F. Does PD have or can it obtain the technical means to fully implement a brownfields agreement and assure the safe use of the property?

Answer Yes

Explanation Flywheel Group, LLC was founded in 2013 to focus on infill Charlotte projects, specifically in the North Davidson Street (NoDa) area located northeast of uptown Charlotte, and along the Charlotte Area Transit System (CATS) Light Rail project that will connect uptown Charlotte to the UNC-Charlotte Main Campus.

Flywheel has a wide range of engineering and environmental experience available to it. Flywheel has also retained H&H (a NC Licensed Environmental Engineering Firm) who has extensive experience in environmental matters in Brownfields assessment and implementation of Brownfields agreements.

- G. Does PD commit that it will comply (and has complied, if PD has had a prior project in the NCBP) with all applicable procedural requirements of the NCBP, including prompt payment of all statutorily required fees?

Answer Yes

(List all NCBP project name(s) and NCBP project ID numbers where PD or any parent company, subsidiary and other affiliate of PD has been a party to.)

Matheson Ave Property (BF# 19079-15-060) - 2710 Chick Godley Ave & E 31st Street, Charlotte, NC (Flywheel)

Eller No Da (BF# pending) - 409 E 36th Street and adjacent 35th Street parcel (NODA 3536)

H. Does PD currently own the property?

Answer No

If yes, when did PD purchase the property and from whom? *(Provide name, address, telephone number and email address of the contact person for the current property owner.)*

If no, provide the name, address, telephone number and e-mail address of the contact person for the current property owner

The parcel is currently owned by the following entity:

Ark Promotions, Inc. c/o Ark Ventures, Inc.
19401 Jetton Road #101
Cornelius, NC 28301

I. If PD does not currently own the property, does PD have the property under contract to purchase?

Answer Yes

If yes, provide date of contract. The contract was signed on July 7, 2015. Estimated closing date is May 30, 2016

If no, when does the PD intend to purchase the property (e.g., after the project is determined to be eligible for participation in the NCBP, after PD receives a draft BFA, after the conclusion of the brownfields process)? Note: the Act requires the PD to demonstrate that it intends to either buy or sell the property.

J. Describe all activities that have taken place on the property since PD or PD's parents, subsidiaries and/or other affiliates, and/or lessees or sublessees of PD, took ownership of or operated at the property (e.g., industrial, manufacturing or commercial activities, etc.). *(Include a list of all regulated substances as defined at NCGS § 130A-310.31(b)(11) that have been used, stored on, or otherwise present at the property while those activities were conducted, and explain how they were used.)*

Flywheel is conducting certain due diligence activities including Phase I ESA activities on the property.

II. SITE INFORMATION

A. Information regarding the proposed brownfields property:

Proposed project name Former Kaiser Fluids Technology Property

acreage 4.43 street address(es) 530 E. Sugar Creek Road

city Charlotte County Mecklenburg zip 28213

tax ID(s) or PIN(s) 09107104

past use(s) Prior to 1956, the subject site was undeveloped land. Between 1956 and 1993, Ronson Hydraulics utilized the property to design and manufacture hydraulic fluid control systems for the aerospace industry. Materials used in the manufacturing process included steel, aluminum, and titanium. During finishing activities, synthetic coatings and plating materials were used in the manufacturing process.

Kaiser Fluid Technologies reportedly purchased Ronson in 1993 and continued to design and manufacture hydraulic fluid control systems for the aerospace industry on the premises. Kaiser and Ronson previously operated lathes, milling and tooling machines, grinders, and precision honing equipment and used various oils to cut, cool, and lubricate metals and machinery during manufacturing activities. Kaiser and Ronson also reportedly used industrial solvents to clean parts and equipment.

The property has remained vacant from 2003 to the present except for limited storage of office equipment and Halloween Props.

current use(s) ReelWorks (video production studio) currently leases the northwestern portion of the warehouse for storage of office equipment. A second tenant utilizes the southern and central portion of the warehouse for construction and storage of Halloween props.

cause(s)/source(s) of contamination:

known

Former Settling Tank Excavation Area (AOC #1)

Previous investigations indicate that a former settling tank located outside the former deburring area of the warehouse previously received process water tainted with solvents and was the source of volatile organic compounds (VOCs) contamination in soil and groundwater northwest of the office/warehouse building. VOCs in groundwater consist of trichloroethylene (TCE), 1,1,1-trichloroethane (1,1,1-TCA), and 1,1-dichloroethene (1,1-DCE). Soil assessment activities conducted in 2011 indicate selenium and hexavalent chromium at levels exceeding applicable screening criteria.

Compressors, Receivers, and Transformer Area (AOC #2)

An oil stain on a former air compressor pad located adjacent and north of the building. The oil stain appears to have migrated off of the compressor pad and impacted nearby soil. Soil assessment activities conducted in 2011 indicate total petroleum hydrocarbons (TPH) diesel range organics (DRO) and Oil and Grease were below screening criteria in the oil stained

area. Selenium and hexavalent chromium were detected at concentrations exceeding applicable screening criteria.

TCE Degreaser, Paint Booth, and Numerical Control Lathe Area (AOC #3)

Kaiser and Ronson operated a TCE degreaser unit, paint booth, and numerical control lathes in the northern portion of the warehouse area. Heavy oil staining was present in the former lathe area. Phase II assessment activities conducted in 2011 indicate concentrations of selenium, hexavalent chromium, and TCE in soils at concentrations exceeding applicable screening criteria. A 2011 groundwater sample from this area indicated chromium exceeding its NC 2L groundwater standard.

RCRA Room (AOC #4)

Kaiser and Ronson stored chemicals, hazardous waste, and petroleum products within a RCRA room located in the southeastern portion of the warehouse area. During 2011 Phase II assessment activities, soil analytical data indicated the presence of TPH-DRO and selenium above applicable screening criteria.

Loading Dock Area and Former Hazardous Waste Storage Area (AOC #5)

Kaiser and Ronson reportedly loaded and unloaded chemicals and petroleum products at a loading dock area located in the southeastern portion of the warehouse. Hazardous waste materials were also reportedly stored in this area. Soil sampling activities near the loading dock and former hazardous waste storage area (AOC #5) were conducted during a Comprehensive Site Assessment (CSA) in September 2001. VOCs including TCE, benzene, and methylene chloride were detected in soil samples at concentrations above DENR protection of groundwater screening criteria. During the recent 2011 Phase II ESA, soil analytical data indicates the presence of 1,1-dichloroethane (1,1-DCA) 1,1-DCE, cis-1,2-dichloroethylene (cis-1,2-DCE), TCE, vinyl chloride, selenium, and hexavalent chromium at concentrations exceeding applicable screening criteria. In addition, TPH-DRO exceeded its action level in one soil sample collected in this area.

Floor Drains in the Hydraulic Pump and Compressor Room and in the "R&O" Room (AOC #6)

During the Phase I ESA, H&H identified trench floor drains located in the concrete floor of the Hydraulic Pump and Compressor Room, and a floor drain located in the concrete floor of the "R&O" Room. Staining was identified to the concrete surfaces in the vicinity of both the trench drain and floor drain. During a 2011 Phase II ESA, soil analytical data indicated TCE, hexavalent chromium, and selenium at concentrations exceeding applicable screening criteria.

suspected The former Henkel Corp. site is located across Raleigh St. and topographically upgradient of the subject site at the address 600 E. Sugar Creek Road. Previous environmental reports document soil and groundwater assessment activities performed on the former Henkel property. Based on a review of these documents, VOCs, polychlorinated biphenyls (PCBs), and metals have been reported in soil and groundwater below the Henkel property and a potential exists that contamination from the Henkel property may have migrated below the subject site.

- B. Regulatory Agency Involvement: List the site names and all identifying numbers (ID No.) previously or currently assigned by any federal, state or local environmental regulatory agencies for the property. The ID No's may include CERCLIS numbers, RCRA generator numbers for past and present operations, UST database, Division of Water Quality's incident

management database, and/or Inactive Hazardous Sites Branch inventory numbers. (In many instances, the PD will need to actively seek out this information by reading environmental site assessment reports, reviewing government files, contacting government officials, and through the use of government databases, many of which may be available over the internet.)

Agency Name/ID No: RCRA Non-Generator NCD986192847

Agency Name/ID No: State Hazardous Waste Site NONCD000194

Agency Name/ID No: Incident Management Database Incident Number 85906

Agency Name/ID No:

Agency Name/ID No:

C. In what way(s) is the property abandoned, idled, or underused?

The property is currently underutilized as it is predominately used for storage. The site is located within an economically challenged area of North Charlotte and a new tenant and/or property owner will provide a significant public benefit to the surrounding community.

D. In what way(s) is the actual or possible contamination at the property a hindrance to development or redevelopment of the property (attach any supporting documentation such as letters from lending institutions)?

The presence of soil and groundwater contamination identified during previous Phase II ESA activities conducted on the property is a hindrance to future development. PD and subsequent potential tenants or buyers would be unlikely to invest in the redevelopment of the property without a Brownfields Agreement because of the potential liability issues and challenges as the result of the contamination. Before PD acquires the property, it needs to ensure that the property will be accepted into the Brownfields Program and will have the protections and benefits afforded by a Brownfields Agreement.

E. In what way(s) is the redevelopment of the property difficult or impossible without a brownfields agreement (attach any supporting documentation such as letters from lending institutions)?

Flywheel believes that a Brownfields Agreement will be essential for the viable and safe reuse of the property. Flywheel's development strategy includes obtaining a Brownfields Agreement as a component of purchase and it is unlikely that the property would be purchased and then redeveloped without a Brownfields agreement.

F. What are the planned use(s) of the redeveloped brownfields property to which the PD will commit? Be as specific as possible.

PD plans to purchase the property with the intent of initially utilizing the space for commercial/industrial and may require redevelopment, renovation, and/or building expansion to address the requirements of the tenant. Please note that there is potential to rezone the property to Mixed-Use Transit Oriented Development (TOD-M), which could include multifamily units. The PD's risk management strategy requires that a Brownfields agreement be secured for the purpose of liability management.

If approved for rezoning by the Charlotte-Mecklenburg Planning Board, future use may change to accommodate a mixed-use, transit-oriented development

G. Current tax value of brownfields property: \$1,570,000 (per Mecklenburg County POLARIS website)

H. Estimated capital investment in redevelopment project: \$unkown at this time

I. List and describe the public benefits that will result from the property's redevelopment. Be as specific as possible. *(Examples of public benefits for brownfields projects include job creation, tax base increases, revitalization of blighted areas, preserved green space, preserved historic places, improving disadvantaged neighborhood quality-of-life related retail shopping opportunities, affordable housing, environmental cleanup activities or set asides that have community or environmental benefits. In gauging public benefit, NCBP places great value upon letters of support from community groups and local government that describe anticipated improvements in quality of life for neighboring communities that the project will bring about. The inclusion of such support letters with this application is recommended and encouraged.)*

The property is located in close proximity to the NoDa District and the CATS Light Rail Line, which is under development southeast of the site. Multiple mixed use commercial/residential projects have been constructed in the NoDa area and many are proposed long the CATS Light Rail Line making the subject property significantly under utilized relative to nearby commercial/industrial and high density/mixed-use development projects. The property is ideally located within walking distance of the CATS Light Rail Line and a variety of properties used for recreational, office, dining, and retail. The redevelopment of the property in this area will likley:

- 1) maintain and increase the tax base, including both an increase in property tax and taxes associated with possible additional employees and increased economic activity;
- 2) create additional construction opportunities to local contractors associated with property improvements;
- 3) provide postive economic impact to the surrounding community and businesses;
- 4) provide for use of existing developed properties rather than greenfields in an environmentally sensitive area;
- 5) potentially spur additional development in the area resulting in a larger local tax base.; and
- 6) invest in "Smart Growth" through use of land in an already developed urban area which avoids development outside the City limits and increases potential commuters utilizing public transportation including the CATS Light Rail Line.

Special Note: Please describe all environment-friendly technologies and designs PD plans to utilize in its redevelopment strategy. For example, environment friendly redevelopment plans could include: Leadership in Energy and Environmental Design (LEED) Certification, green building materials; green landscaping techniques such as using drought resistant plants; energy efficient designs, materials, appliances, machinery, etc.; renewable sources of energy, and/or recycling/reuse of old building materials such as brick or wood.

The PD is committed to environmentally-friendly technologies, and will consider them as part of this development effort. As the plans for development are preliminary, no firm decisions have been made at this time.

- J. Who will own the brownfields property when the Notice of Brownfields Property is filed with the register of deeds at the conclusion of the brownfields process? (If information is the same as 1.A. above, please indicate.)

Name PD anticipates that either it, or a to-be-formed, wholly-owned single-purpose entity will own the property at the conclusion of the Brownfields process, but it has not made a final decision at this time.

Mailing Address

E-Mail Address

Phone No.

Fax No.

III. OTHER REQUIRED INFORMATION

- A. Brownfields Affidavit: PD must provide its certification, in the form of a signed and notarized original of the unmodified model brownfields affidavit provided by NCBP, that it did not cause or contribute to contamination at the property and that it meets all other statutory eligibility requirements. *(Note: The form to use for this affidavit is attached to this application. It must be filled out signed notarized, and submitted with this application.)*
Is the required affidavit, as described above, included with this application?

Answer Yes, please see Appendix A.

- B. Proposed Brownfields Agreement Form: PD must provide the completed form Proposed Brownfields Agreement. *(Note: The form to use for this document is attached to this application. It must be filled out, initialed, and attached on your submittal.)*
Is the required Proposed Brownfields Agreement, as described above, included with this application?

Answer Yes, please see Appendix B.

- C. Location Map: PD must provide a copy of the relevant portion of the 1:24,000 scale U.S.G.S. topographic quadrangle map that shows the property clearly plotted, and that measures at least an 8 1/2 by 11 inches. *(Note: these maps can be purchased through the above link, or often through retail outdoor recreation stores that can print out the relevant map. Often environmental reports have location maps that use this type of map as the base for its location map.)*
Is the required location map included with this application?

Answer Yes, please see Appendix C.

- D. **Survey Plat:** PD must provide a preliminary survey plat of the brownfields property with the property boundaries clearly identified, and a metes and bounds legal description that matches the property description on the plat. At this stage of the brownfields process; one or more existing survey plats from a previous property conveyance will suffice. *(Before the brownfields project enters the public comment phase of the brownfields process, the PD will be required to submit a final brownfields survey plat which includes the information listed in the brownfields survey plat guidance.)*

Is the required preliminary survey plat included with this application?

Answer Yes, please see Metes and Bounds Description in Exhibit D.

- E. **Site Photographs:** PD must provide at least one pre-redevelopment photograph of the property, in either hard copy or electronic format that shows existing facilities and structures. **Please note that the NCBP prefers to have electronic photos instead of or in addition to hard copies. Electronic copies of photographs should be emailed to: Shirley.Liggins@ncdenr.gov with a clear indication as to which Brownfields Application they apply to.**

Are photographs of the property included with this application?

Answer Yes, please see Appendix E.

Have electronic copies of the photographs been emailed to NCBP?

Answer Yes

- F. **Environmental Reports/Data:** If it makes an affirmative eligibility determination, the NCBP will request that PD provide any and all existing environmental reports and data for the property on CD only. The brownfields process may be expedited if PD submits such reports/data with this application.

Are any environmental reports/data being submitted with this application?

Answer Yes, please see disc attached to Appendix F.

If environmental reports/data are being submitted with this application, please provide the title, date and author of each item being submitted:

- 1) Phase I and II ESA - December 19, 2011 (H&H)
- 2) Request for Variance Addendum - June 9, 2006 (ETIC Engineering)
- 3) Supplemental Investigation and Remediation Report - May 9, 2005 (ETIC Engineering)

IV. ADDITIONAL REQUIRED FORMS

The following forms are to be filled out and submitted with the application including the Responsibility and Compliance Affidavit and the Proposed Brownfields Agreement.

Submittal of the Affidavit requires signature and notarization, and the Proposed Brownfields Application requires an initial.

Appendix A
Brownfields Affidavit

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
NORTH CAROLINA BROWNFIELDS PROGRAM**

IN THE MATTER OF: Flywheel Group, LLC

UNDER THE AUTHORITY OF)	AFFIDAVIT
NORTH CAROLINA GENERAL)	RE: RESPONSIBILITY
STATUTES § 130A-310.30, et. seq.)	AND COMPLIANCE

Flywheel Group, LLC being duly sworn, hereby deposes and says:

1. I am <<Anthony (Tony) Kuhn >> of Flywheel Group, LLC.
2. [if signatory is not President, add this paragraph: "I am fully authorized to make the declarations contained herein and to legally bind Flywheel Group, LLC."]
3. Flywheel Group, LLC is applying for a Brownfields Agreement with the North Carolina Department of Environment and Natural Resources, pursuant to N.C.G.S. § 130A, Article 9, Part 5 (Brownfields Act), in relation to the following 09107104 parcel(s) in Charlotte, Mecklenburg, County, North Carolina: 530 E. Sugar Creek Road
4. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that Flywheel Group, LLC, and any parent, subsidiary or other affiliate meets the eligibility requirements of N.C.G.S. § 130A-310.31(b)(10), in that it has a *bona fide*, demonstrable desire to buy ☒ sell ☐ for the purpose of developing or redeveloping, and did not cause or contribute to the contamination at, the parcel(s) cited in the preceding paragraph.
5. I hereby certify, under the pains and penalties of perjury and of the Brownfields Act, that Flywheel Group, LLC meets the eligibility requirement of N.C.G.S. § 130A-310.32(a)(1) in that it and any parent, subsidiary or other affiliate have substantially complied with:
 - a. the terms of any brownfields or similar agreement to which it or any parent, subsidiary or other affiliate has been a party;
 - b. the requirements applicable to any remediation in which it or any parent, subsidiary or other affiliate has previously engaged;
 - c. federal and state laws, regulations and rules for the protection of the environment.

Affiant further saith not.

Anthony Kuhn Anthony Kuhn
Signature/Printed Name

Date

4/6/16

Sworn to and subscribed before me

this 6th day of April, 2016.

Carla Hahn Cannon Notary Public

My commission expires: 3/31/2020



Appendix B
Preliminary Proposed Brownfields Agreement

Preliminary Proposed Brownfields Agreement

I. Property Facts

- a. Property Address(es): 530 E. Sugar Creek Road (Parcel No. 09107104)
- b. Property Seller: Ark Promotions, Inc. c/o Ark Ventures, Inc.
- c. Property Buyer: Flywheel Group, LLC
- d. Brief Property Usage History: Prior to 1956, the subject site was undeveloped land. Between 1956 and 1993, Ronson Hydraulics utilized the property to design and manufacture hydraulic fluid control systems for the aerospace industry. Materials used in the manufacturing process included steel, aluminum, and titanium. During finishing activities, synthetic coatings and plating materials were used in the manufacturing process.

Kaiser Fluid Technologies reportedly purchased Ronson in 1993 and continued to design and manufacture hydraulic fluid control systems for the aerospace industry on the premises. Kaiser and Ronson previously operated lathes, milling and tooling machines, grinders, and precision honing equipment and used various oils to cut, cool, and lubricate metals and machinery during manufacturing activities. Kaiser and Ronson also reportedly used industrial solvents to clean parts and equipment.

The property has remained vacant from 2003 to the present except for limited storage of office equipment and Halloween Props.

- e. The planned reuse will potentially involve the following use classification(s) (check all that apply):

- ☐ School/childcare/senior care
- ☒ Residential
- ☒ Commercial, retail (specify)
- ☒ Other commercial (specify)
- ☒ Office
- ☒ Light industrial
- ☐ Heavy industrial
- ☐ Recreational
- ☒ Open space
- ☐ Other (specify)

II. Contaminant Information

- a. The contaminant situation at the property is best described by the following (check all that apply):

- ☒ Contaminants are from an on-property source(s)
- ☒ Contaminants are from an off-property source(s)
- ☐ Contaminants are from an unknown source(s)
- ☐ Contaminants have not yet been documented on the property

b. Contaminated Media Table. (If known, check appropriate boxes below)

Contaminant Types		Soil		Groundwater and/or Surface Water		Private Wells		Vapor Intrusion	
		known	Suspected	known	Suspected	known	suspected	known	suspected
o r g a n i c s	Chlorinated Solvents (list):	1,1-DCA 1,1-DCE, cis-1,2-DCE, TCE, and VC		TCE, 111-TCA, II-DCE					
	Petroleum: ASTs <input type="checkbox"/> USTs <input type="checkbox"/> Other <input type="checkbox"/>	TPH and Benz.							
	Other (list):								
i n o r g a n i c s	Metals (list):	Cr VI and Se		Cr					
	Other (list):								

III. Protective Measures

I am prepared to take steps necessary to make the property suitable for its planned uses while fully protecting public health and the environment. I propose that NCBP consider a brownfields agreement that will make the property suitable for the planned use(s) through the following mechanism(s) (check all that apply):

- ☐ Contaminant remediation to risk-based levels.
☒ Engineered Controls (e.g., low permeability caps, vapor mitigation systems, etc)

- ☒ Land use restrictions that run with the land that will restrict or prohibit uses that are unacceptable from a risk assessment/management perspective. (*Important Note: In any final brownfields agreement generated by the NCBP, land use restrictions will ultimately come with the continuing obligation to submit an annual certification that the Land Use Restrictions are being complied with and are recorded at the applicable register of deeds office.*)

IV. Fees

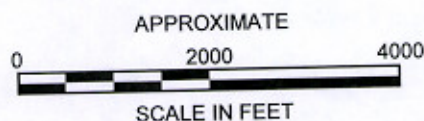
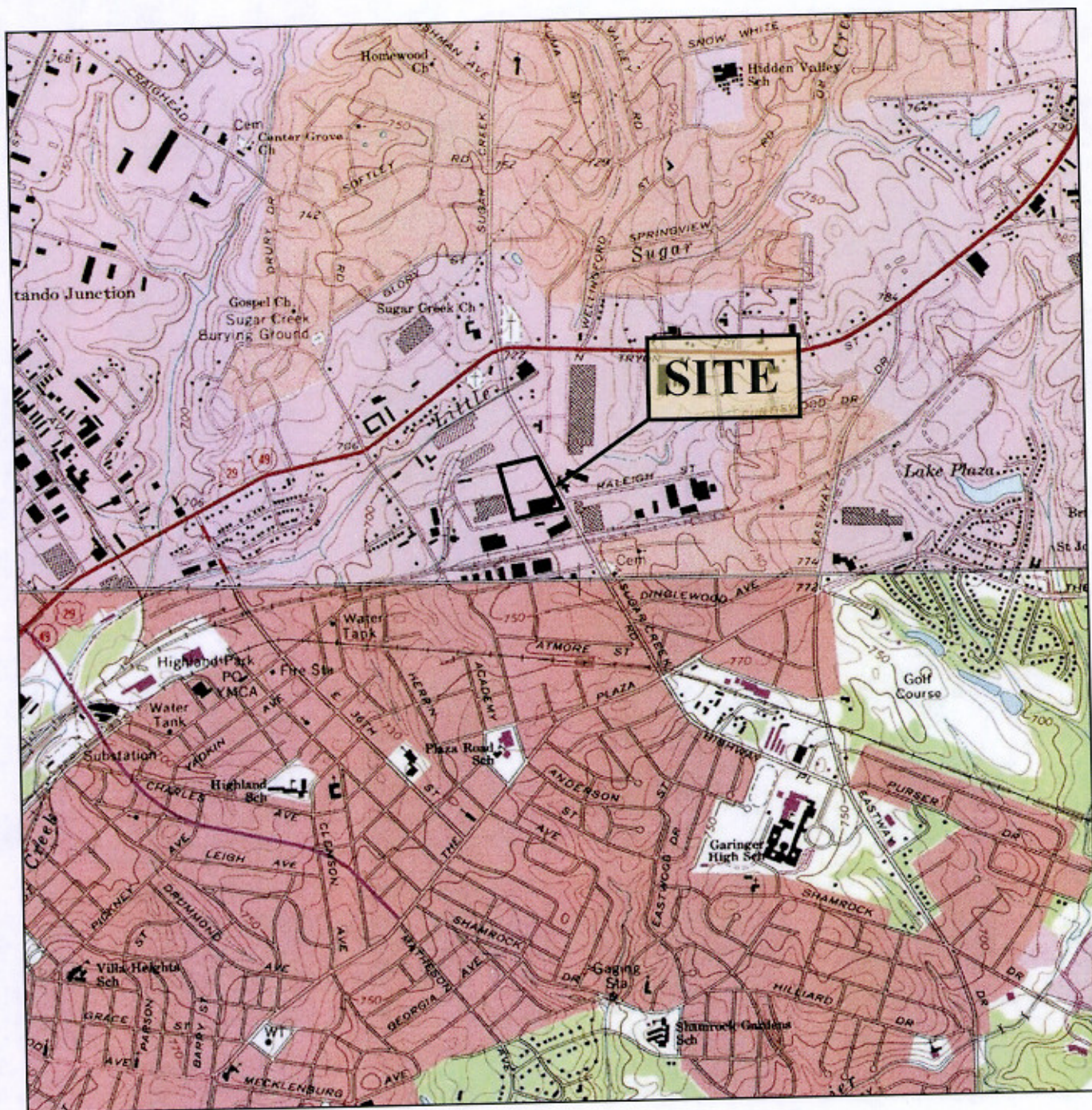
In connection with a brownfields agreement, the Act requires that the developer pay fees to offset the cost to the Department of Environment and Natural Resources and the Department of Justice. In satisfaction of the Act, the following fees apply to any brownfields agreement that is developed for this project, subject to negotiation of the brownfields agreement:

- a. A \$2,000 initial fee will be due from the applicant PD when both of the following occur:
 - 1) NCBP receives this application and proposed brownfields agreement, AND
 - 2) NCBP notifies the applicant in writing that the applicant PD and the project are eligible for participation in the NCBP and continued negotiation of a brownfields agreement.
- b. A second fee of \$6,000 will be due from the PD prior to execution of the brownfields agreement. Should the prospective developer choose to negotiate changes to the agreement that necessitate evaluation by the Department of Justice, additional fees shall apply.
- c. Any addendum/modifications to the BFA or NBP after they are in effect will result in an additional fee of at least \$1,000.
- d. In the unexpected event that the environmental conditions at the property are unusually complex, such that NCBP's costs will clearly exceed the above amounts, NCBP and PD will negotiate additional fees.

☒ JK Please check this box and initial in space provided to indicate your acknowledgement of the above fee structure.

Date of Submittal: _____


Appendix C
Site Location Map



U.S.G.S. QUADRANGLE MAPS

Derita, NC 1993

QUADRANGLE
7.5 MINUTE SERIES (TOPOGRAPHIC)

TITLE		SITE LOCATION MAP	
PROJECT		FORMER KAISER FLUID TECHNOLOGIES CHARLOTTE, NORTH CAROLINA	
		2923 S. Tryon Street, Suite 100 Charlotte, NC 28203 704.586.0007(p) 704.586.0373(f)	
DATE:		3-17-16	REVISION NO: 0
JOB NO:		AMK-001	FIGURE: 1

Appendix D
Metes and Bounds Property Description

FOR REGISTRATION JUDITH H. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2008 JUN 30 04:19 PM
BK:23919 PG:719-724 FEE:\$26.00
EXCISE TAX:\$1,950.00
INSTRUMENT # 2008114382
2008114382

Excise Tax: \$ 1950.00

Recording Time, Book and Page: _____

Tax Lot No. 091-071-04 Parcel Identifier No. _____
Verified by _____ County on the _____ day of _____, 200__
by _____

Mail after recording to James W. Surane, Esq., Surane & Pross, PLLC, 19520 W. Catawba Ave., Ste. 313, Cornelius, NC 28031
This instrument was prepared by Parker Poe Adams & Bernstein LLP (DWB)

Brief Description for the index:

530 Ea. Sugar Creek Rd., Charlotte, NC

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 27th day of June, 2008, by and between

GRANTOR

ROCKWELL COLLINS ELECTROMECHANICAL
SYSTEMS, INC.,
a Nevada corporation and successor by consolidation
to Kaiser Aerospace & Electronics Corporation

c/o Rockwell Collins, Inc.
400 Collins Rd., NE
Cedar Rapids, IA 52498-0001

GRANTEE

ARK PROMOTIONS, INC.,
a Louisiana corporation

c/o Ark Ventures, Inc.
19401 Old Jetton Rd., Ste. 101
Cornelius, NC 28031

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Charlotte, _____ Township, Mecklenburg County, North Carolina and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE (the "Property").

The property hereinabove described was acquired by Grantor by instrument recorded in Book 7491, Page 291 and Book 7621, Page 220.

A map showing the above described property is recorded in Plat Book ____, Page ____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

SEE EXHIBIT B ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

Grantee shall comply with the Declaration of Perpetual Land Use Restrictions recorded in Book 23360 at Page 86 and rerecorded in Book 23661 at Page 708 in the office of the Register of Deeds for Mecklenburg County (the "Declaration"). Grantee shall include a provision in any instrument transferring interest in the Property requiring its transferee to comply with the Declaration.

Grantee, by its acceptance of this Deed, covenants that Grantee, its successors and assigns, as a covenant running with the land, shall indemnify, defend and hold Grantor, its successors and assigns, including Grantor's assigns with respect to the Property, harmless from any loss, cost or damage arising from violation of the Declaration of Perpetual Land Use Restrictions recorded in Book 23360 at Page 86 and Book 23661, Page 708, Mecklenburg Public Registry (the "Declaration") by Grantee, its successors and assigns, provided that said violation is the result of an affirmative act or failure to act by Grantee or its successors or assigns that occurs after the date of the recordation of this Deed, including the nullification or voiding of the Variance as defined in the Declaration in whole or in part; any fines, penalties or other sanctions, whether civil or criminal; the costs of remediation of the Property, curing the violation of the Declaration, or other remedy; and attorneys' and other consultants' fees incurred as a result of the violation of the Declaration or any such nullification or voiding of the Variance, provided that said violation is the result of an affirmative act or failure to act by Grantee or its successors or assigns that occurs after the date of the recordation of this Deed. Each of Grantee and its successors and assigns with respect to the Property, upon its conveyance of its entire interest in the Property, shall be automatically and without further action released from this covenant to Grantor, its successors and assigns, provided that no violation of the Declaration remains uncured or would occur with the passage of time and that the party conveying its interest in the Property does not avoid any present or pending obligation under this covenant as a result of that conveyance. This covenant of Grantee and its successors and assigns shall not survive, with respect to the party conveying its interest in the Property, its conveyance of its entire interest in the Property, provided that no violation of the Declaration remains uncured or would occur with the passage of time and that the party conveying its interest in the Property does not avoid any present or pending obligation under this indemnity as a result of that conveyance.

[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

ROCKWELL COLLINS ELECTROMECHANICAL SYSTEMS, INC., a Nevada corporation

By: Douglas Stenske
Print: DOUGLAS STENSKE
Title: Vice President & Treasurer

STATE OF Iowa

COUNTY OF Linn

I, Marlene A. LeMont, a Notary Public of Linn County, State of Iowa, certify that DOUGLAS STENSKE (the "Signatory"), personally came before me this day and acknowledged that he/she is the Vice President of ROCKWELL COLLINS ELECTROMECHANICAL SYSTEMS, INC., a Nevada corporation, and that he/she, in such capacity and being authorized to do so, executed the foregoing on behalf of the corporation.

I certify that the Signatory personally appeared before me this day, and
(check one of the following)

☒ (I have personal knowledge of the identity of the Signatory); or
☐ (I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of:

(check one of the following)

☐ a driver's license or
☐ in the form of _____); or

☐ (a credible witness has sworn to the identity of the Signatory).

The Signatory acknowledged to me that (he/she) voluntarily signed the foregoing instrument for the purpose stated and in the capacity indicated.

Witness my hand and official stamp or seal this 28th day of February, 2008.

Marlene A. LeMont

Notary Public

Print Name: Marlene A. LeMont

[Note: Notary Public must sign exactly as on notary seal]

My Commission Expires: 3-1-10

Ⓢ [NOTARY SEAL] (MUST BE FULLY LEGIBLE)



The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. _____, REGISTER OF DEEDS FOR MECKLENBURG COUNTY By: _____ Deputy/Asst. Register of Deeds

EXHIBIT A

Lying and being in the City of Charlotte, Mecklenburg County, North Carolina, and more particularly described as follows:

BEGINNING at a nail at the intersection of the northerly right-of-way of Raleigh Street with the westerly curb of East Sugar Creek Road, and running thence with the northerly right-of-way of Raleigh Street S. 81-28-5 W. 505.44 feet to an existing iron pin (passing through an existing iron pin at a distance of 20.91 feet located in the westerly right-of-way line of East Sugar Creek Road) in the point of the intersection of the northerly right-of-way of Raleigh Street with the center line of a 15 foot sanitary sewer easement (as described in Book 851, Page 69, in the Mecklenburg Public Registry); thence with the center line of said easement N. 8-35-20 W. 359.56 feet to an existing iron pin (being a common corner with Curtis L. Wellmon property, now or formerly, described in Deed book 5885 at Page 541); thence N. 8-40-56 W. 152.84 feet to an existing iron pin; thence N. 81-27-16 E. 9.92 feet to an existing iron pin; thence N. 81-27-16 E. 339.75 feet to an iron at the curb of East Sugar Creek Road (passing through an existing iron pin in the western right-of-way of East Sugar Creek Road at 318.84 feet); thence along the western curb line of East Sugar Creek Road S. 25-31-00 E. 535.85 feet to the point and place of **BEGINNING**.

Being a portion of the property shown on the survey of R. B. Pharr & Associates, P.A., N.C.R.L.S., dated September 30, 1993, and being Tract I conveyed to Kaiser Aerospace & Electronics Corporation by deeds recorded in Book 7491, Page 291 and Book 7621, Page 220, in the Mecklenburg Public Registry.

The above tract is subject to the right-of-way of East Sugar Creek Road; and contains approximately 4.783 acres outside the right-of-way of East Sugar Creek Road and approximately 0.246 acres within said right-of-way.

The above tract is contaminated with halogenated volatile organic compounds in concentrations exceeding the Groundwater Quality Standards in 15A NCAC 2L .0202.

EXHIBIT B

EXCEPTIONS TO SPECIAL WARRANTY DEED

- (1) Zoning, subdivision, building and other ordinances affecting the Property
- (2) Taxes and assessments for the year 2008, and subsequent years, not yet due and payable
- (3) Matters that would be revealed by a current survey or inspection of the Property
- (4) All valid and enforceable encumbrances, covenants, conditions, restrictions, and other matters of record affecting the Property



JUDITH A. GIBSON
REGISTER OF DEEDS, MECKLENBURG
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE, NC 28202

PLEASE RETAIN YELLOW TRAILER PAGE

It is part of the recorded document, and must be submitted with original for re-recording
and/or cancellation.

Filed For Registration: 06/30/2008 04:19 PM
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Document No.: 2008114382
DEED 6 PGS \$26.00
NC REAL ESTATE EXCISE TAX: \$1,950.00
Recorder: LYVANH PHETSARATH



2008114382

Appendix E
Site Photographs



Photograph 1: Warehouse building as viewed from the southeast.



Photograph 2: Parking lot and building as viewed from the northern property boundary.



Photograph 3: Loading dock located in the southern portion of the property.



Photograph 4: Areas with patched concrete located in the warehouse.



Photograph 5: Sump located adjacent to the paint booth.



Photograph 6: Trench drains located in the warehouse.



Photograph 7: Oil stained concrete in the former grinding area of the warehouse.



Photograph 8: Former monitoring well located in the northwestern portion of the site.



Photograph 9: Former air compressor pad located adjacent and north of the building.



Photograph 10: Pole mounted transformer located south of the building.



Photograph 11: Former excavation area and monitoring wells located northwest of the building.



Photograph 12: Four upright steel ASTs staged in the Hydraulic Pumps and Compressors Room.

Appendix F
Environmental Reports/Data

- Phase I and II ESA - December 19, 2011 (H&H)
- Request for Variance Addendum - June 9, 2006 (ETIC Engineering)
- Supplemental Investigation and Remediation Report - May 9, 2005 (ETIC Engineering)